

Living (Il)legalities in Brazil

Practices, Narratives and Institutions in
a Country on the Edge

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We dedicate this book to the former residents of the Wilton Paes de Almeida building, featured in the introduction of this volume, a mixture of survivors and victims on many different levels. The building collapsed from a massive fire on Labor Day, May 1, 2018. Firefighters looked for 12 days to recover any buried victims under the rubble. They uncovered seven human corpses, six male and one female, including twin boys aged 10. Later the city would report that 6,000 tons of wreckage was hauled to a dump in the northern extremes of the city, an operation that would take 58 days to complete.

The building had been a squatter occupation, a social and material representation of (il)legalities. The majority of occupations in São Paulo are, in fact, “ethical”. This means that they are non-profit and part of a larger socio-political movement, whose goal is to provide affordable housing to the needy, thereby giving a “social use” to empty buildings, as stipulated in the Brazilian Federal Constitution of 1988 and, more specifically, in the São Paulo City Statute of 2001. This building was not part of that movement; it was “unethical,” in that a criminal organization managed it through extortion.

3 Migrant refugee spatialities lived and legislated in São Paulo

Igor Machado and Derek Pardue

A central element of the human condition is mobility. As a species, we have realized that knowledge, power, resources and networks emerge from strategic movement and meaningful encounters. Such a discourse includes histories and legacies of conquest, colonialism, slavery, capitalism and the so-called modern nation-state. It is also a discourse of inalienable human rights in the face of a “globalized indifference,” in the recent words of Pope Francis, who has used his position as an international spokesperson of morality on several occasions to speak out on the issue of immigration and social justice. He and scores of other community leaders and activists have observed that what was once justifiable in the name of “civilization” is now under sharp scrutiny as a threat to humanity and an illegal transgression.

Migration and its politically charged specification of *immigration* represent the glaring contradictions of illegality as they relate to the spatiality of everyday existence. As scholars such as Shahram Khosravi, Nicholas de Genova and others have argued, immigration has become a politically profitable and publically prevalent manner to “produce criminality and illegality” involving a set of “technologies of anti-citizenship” (Khosravi 2010, 115ff). Ascribed qualities of “primitive masculinity” to Muslims in Sweden or “dangerous” or “worthless Africans” in Brazil help reconfirm an imagined Swedish masculinity and Brazilian whiteness, respectively. We are faced with questions that are both existentially philosophical and pragmatically political. Should the very presence of someone be grounds of legality? Can one just *be* here and try, like everyone else, to live and work? Moreover, for the purposes of this edited volume, what might Brazil contribute to this set of universal questions?

Despite the recent rise in xenophobia among a number of national leaders, including those in Brazil, few, if any, would issue a blanket statement against immigration. That is to say, immigration itself is not an illegal act. “We want to attract the right kind of immigrants,” so the political talking point goes, the “legitimate” or useful ones, as Zygmunt Bauman (2004) once described. In the transformation of moral discourse into law and policy, the social or identity categories of race and ethnicity play a definitive role in who constitutes the “right kind of immigrant” (Fernandes 2019).

In Brazil, arguably the “blackest” country in the world outside of Nigeria, the role that racism plays in the delineation of accepted immigrants and refugees is markedly significant. From 2011 to 2017, Brazil experienced a dramatic increase in arrivals of “new” foreigners, those from Haiti, Senegal, Congo (DRC), Mali, Angola, Nigeria as well as thousands of Syrians. In the following, we will demonstrate the multiple dimensions that racism and, more generally, racialization play in the interpretation of the new Migration Law (*Lei de Migração 13.445/17*), as it relates to categorization (refugee versus humanitarian visa) and social service infrastructure (health, residential and Portuguese language services). We attempt to balance policy analysis with prosaic narrative in order to approximate political policy with lived experience, as we see these perspectives as complementary and not separate. This chapter is based on ethnographic fieldwork in the city and state of São Paulo since 2016.¹ Ultimately, we suggest that practices of racialization work to produce both a hypervisibility and an erasure of blackness, which, in concert, twist and contort legalities with real effects on how newly arrived black migrants navigate urban public spaces. In this respect, our chapter enters in dialogue with Hirata from this volume; socio-economic and political marginalities produce certain spatialities. Both texts exemplify current contestations over “legal-political territories.”

Legal context

Similar to most countries in the world and all nations on the American continent, Brazil was forged through migration. Coercion, opportunity, escape and religious conversion are only some of the many qualifiers one might use to describe the range of migration constitutive of Brazil. Both creative and violent, migration is undeniably foundational to understanding Brazil. Yet, for many, such movement and encounter belong to the past, a formative period of colonial and post-colonial moments. Until 2017, the last systematic policy on immigration occurred during the military dictatorship under a Cold War episteme highlighting concerns over “subversives” and “Communism.” The 1980 Law, referred to as the *Estatuto do Estrangeiro* (Foreigner Statute, Law 6.815/80) frames immigration in terms of a national security threat. In subsequent years, a wide range of communities have argued and succeeded in effecting policy to represent migration as an inalienable “human right.” This shift is at the heart of the new Immigration Law in Brazil of 2017. Despite the 20 last-minute executive alterations made by interim president Michel Temer, which have been detrimental to hundreds of indigenous and indo-African (*quilombolas*) communities, already established but undocumented immigrants as well as immigrants seeking health care,² many activists maintain that the new law is a step forward (Soares 2017). While a detailed analysis of the particularities of the law itself and their significance is outside the purview of this text,³ we underscore the relationship between social demographics of migration and legal formation (Zapat and Fazito 2018, 230).

There is an order of different categories in the experience of black immigrants/refugees in São Paulo. When we speak of black immigrants and refugees, we refer to Haitians and Africans of various origins (Senegalese, Congolese, Angolans, Guineans, etc.). Legally, they experience different forms of insertion in the Brazilian visa granting system. Haitians have been formally denied the possibility of requesting refugee status under CONARE (National Committee for Refugees) Regulation 18, unlike the others, and can only apply for refuge in very specific cases. That a mere two Haitian refugees were approved by CONARE until 2018 underscores this difficulty. The other foreigners can apply for refugee status, which does not mean they obtain it. However, with the request for refuge, the foreigner can legally enter the country and work while the case is under review, which lasts on average approximately three years. Thus, there is a time window in which these Africans can legally stay in the country, at the end of which they may or may not have the refugee status approved. If not, they will have to leave the country, or remain without documentation, or try other forms of legalization, such as a work visa, which allows residence for two years (renewable). It is important to add that after four years of residency in Brazil, it is possible to apply for permanent residence.

For Haitians, the Brazilian state created a special category, called a “humanitarian visa” (later extended to Syrians) that allows legal residence in the country. This visa was an alternative to produce documentation for a relatively high number of Haitian migrants in Brazil, while at the same time aiming to contain the influx of more Haitians, since it imposed limitations on the granting of a humanitarian visa.⁴

It is important to highlight here the implications of legal differences in the experience of these foreigners in Brazil. In bureaucratic terms, immigrants and refugees (or refugee seekers) deal with different entities at first. When an African applies for refugee status, the federal police, responsible for controlling the entry and exit of people from the country, refers the case to CONARE, linked to the Ministry of Justice. Meanwhile, the applicant receives a provisional document, which allows for work and residence in the country. Haitian immigrants apply for a humanitarian visa before arriving in the country, or along the travel route (in Ecuador or Peru, for example). The granting of these visas was linked to the CNIg (National Immigration Council), linked to the Ministry of Labor – until it was finally extinguished and incorporated into the Ministry of Finances by the new government inaugurated in January of 2019. However, in both cases the first contact bureaucracy is the federal police, since there is no specific bureaucratic structure of management for immigration in the country. The volume of Haitians was larger than anticipated by the quotas of Brazilian policy, leading the Brazilian State to work in collaboration with Peru and Ecuador to limit the entry of Haitians before reaching the Brazilian Amazonian frontiers (see Fernandes and Faria 2017).

The multiple effects of outsourcing

Having refugee status can be more advantageous than possessing a humanitarian visa status in some situations. The State of São Paulo, where about half the refugee population is concentrated in Brazil (Cavalcanti et al., 2015), has produced laws that allow, for example, a process of recognition of diplomas without the usual high cost in Brazil. In the Brazilian case, assistance to refugees (and in some cases for immigrants) is a policy outsourced by the State, which transfers resources to various NGOs to produce social actions. Often the source of resources comes directly from international bodies such as UNHCR (United Nations High Commission for Refugees), for example. In general, these policies cover receiving refugees and occasionally immigrants, in shelters where they can stay for six months to a year; assistance in accessing Brazilian public services; job search assistance; Portuguese classes; psychological assistance among other services. Some of these policies are offered exclusively to refugees, in which case the legal status would supposedly make a difference. Putting policies into practice have multiple and sometimes contradictory outcomes.

The case of migrant and refugee mental health services is an example of how the agents who produce “reception” articulate other ideas of difference. From the point of view of the attendants, Haitians and Africans in São Paulo belong to the same category of difference, which we could term *foreign nêgritude*. They are all black and do not speak Portuguese or speak it with an accent. The example discussed by Branco (2019) is instructive. With resources, received from UNHCR, an NGO sets out to offer and manage a refugee mental health policy. This action would happen together with other promoted by the NGO, related to classes of Portuguese and formal assistance in obtaining employment.

Accompanying the day-to-day provision of the mental health service, Branco made two discoveries: first, there was little demand for the collective sessions offered by the NGO, and, second, this small demand was composed mainly of Haitians and other foreigners, but very few “real refugees.” The sessions were scheduled and, most of the time, did not happen. On one occasion, a single foreigner attended and offered a lesson in his native language to psychologists, since it was not possible to hold a session with only one person.

On another occasion, there was a UNHCR inspection visit to the NGO to verify the effectiveness of the services provided. For this visit, it was necessary to organize a “real” session with “real” refugees, that is, there should be no Haitians or foreigners who were not refugees present. More Haitians attended the session than refugees; they were essentially “smuggled in” as refugees. This particular example shows that for the NGO workers, Africans and Haitians were within the same semantic field, unconsciously articulated by the issue of blackness. Importantly, there was a sociological reason to group them together: they lived in the same outlying neighborhoods of São Paulo or in

the same urban occupations. Consequently, they experienced similar difficulties in the labor market and challenges in adapting to the hostile geography of the city.

We can conclude that the agents of the NGO inserted black foreigners into the Brazilian systems of racial classification,⁵ which tend to produce high inequality for the black population. The fact that the urban geography in which these black foreigners circulate is the same geography of exclusion of the black populations in the city of São Paulo facilitates this association between skin color and exclusion, between discrimination directed to Afro-Brazilians and that addressed to black foreigners. Branco calls this process “exclusionary inclusion.” In effect, the legal distinction between refugee and immigration when applied to black foreigners disappears. The funds destined exclusively for refugees are often used to serve black African immigrants as well as Haitians, since for the workers of these organizations, there is no real difference between them. They are all black and foreign.

Different nationalities, different languages, different legal statutes are not relevant to blackness, which operates as a first classifier and thus “overrides” all others, organizing another way of classifying and managing the difference represented by these refugees and black immigrants. This other form presupposes more or less as natural the exclusion to which Afro-Brazilians are subjected, naturalizing the difficulties and extreme conditions of vulnerability. According to Almeida (2019), the phrase “is also so for Brazilians,” heard constantly by black foreigners, signals this process of naturalization of exclusion, because it means, in effect, “this precarious situation is the same as that of Afro-Brazilians in the favelas.”

In the end, legal status, nationality or language spoken by black foreigners are secondary to the primacy of skin color, which places them in the same position of exclusion of Afro-Brazilians. Thus, it is only natural, in the uncritical eyes of NGO workers, that these foreigners suffer as black Brazilians suffer. The transposition of this internalization of racial orders equates the different migration experiences as a single set, marked by the negritude of the foreigners. Thus, to black foreigners, exclusion is seen as natural, as the precarious conditions of insertion into Brazilian society rival what Afro-Brazilians have come to expect.

It is not the case that NGO workers, who provide care and “hospitality,” make no distinctions between refugees and immigrants. Local ethnographic research highlights the perception of vulnerability. In practice, such recognition is directed at refugees seen as white in the local conceptions of race and color. Syrian refugees provide perhaps the best example. It is important to emphasize that conceptions of race and color are imminently cultural, as classifications are structured by rules constituted in a local historical scenario and it is only possible to understand it effectively in temporal perspectives.

While there is not enough space to discuss the historicity of color categories in Brazil and specifically in São Paulo, we can direct the reader to the extensive literature on the subject. In the main, this literature spans the

Brazilian slave system and its social consequences (Azevedo 1987) to migration policies of the nineteenth and twentieth century, marked by the concern of the Brazilian elite with “ethnic” composition of the national population (Seyferth 1998; Lesser 2013). With regard to Syrian refugees (and also Palestinians), it is noteworthy that they are part of a relatively established trajectory of Syrian-Lebanese migration in the early twentieth century, which was of great importance both numerically and culturally. That is, the fact that thousands of Brazilians are descended from Syrians and Lebanese and are seen as “white” plays a role in the racialization of the new Syrian refugees.⁶

Seen, therefore, as whites, an imagery of refuge is specially created for them, effectively distinguishing the Syrians from black African refugees. The primacy of race remains significant. This helps explain why black refugees themselves use the categories of “white refugee” and “black refugee” as anemic categories (Branco 2019 and Almeida 2019). Moreover, black refugees/immigrants clearly perceive that there is a preference for the “white refugee” among the workers of the NGOs and even in the Brazilian State.

Almeida (2019) argues this based on quotidian examples. After becoming close to a number of African women while volunteering at a local NGO, she decided to accompany them as they left the shelter due to time limits (as is per normal, see earlier). The challenges of social integration were immense and soon the situation became desperate for some of the women. Almeida then requested that the same NGO help by raising various supplies; however, her efforts fell flat, since the NGO refused to provide “assistentialist” actions. A month later the same NGO organized a collection of groceries for a family of Syrian refugees facing hardship. It all happened as if it were unthinkable to leave a Syrian family in that situation, whereas for African refugee women that was a tolerable situation.

These are not isolated cases and yet they are generally explained away as anecdotal and thus not systematic. In our view, it is probable and certainly plausible that the racialization of the refugee in Brazil, creating distinctions based on Brazilian racial and color classifications, is a structuring force. There is a visible preference for the Syrian “white” refugee, given the historical resonance that this displacement produces in Brazil and there is also a non-acceptance of the black refugee, to the point that, in practice, this is confused with Haitian immigration in the institutions. The practice of living life produces a very marked exclusion of black foreigners, an experience that transgresses law as it simultaneously dispenses with national and religious differences that these migrants express.

In short, Brazil presents a scenario in which the legal reality of Haitian immigrants and African refugee seekers (or refugees) is categorically different. However, ethnographical research reveals that life experiences of Africans and Haitians on Brazilian soil present many similarities, especially in the forms of exclusion to which they are subject. In the case of the city of São Paulo, this

means exclusion of a system of popular housing and life in very precarious conditions on the outskirts of one of the largest cities in the world.

The rest of this chapter focuses on the experience of *il/legality* as it relates to the basic conditions of residence. The key relationship involved are occupation or squatter movements and basic health care. The *in/visibility* of race is evidently spatial in addition to being entangled in class formations among black foreigners.

(Hi)Stories of residential occupation

Scholars, such as Lúcio Kowarick, Raquel Rolnik, Nabil Bonduki and Luiz Kohara, have written copiously about the impact of immigration historically on the city of São Paulo. The massive growth of the small citadel town to a modernist economic juggernaut from 1870–1920 depended on wild speculation from coffee barons, which caused intense housing crises exacerbated by mismanagement of labor and a lack of urban planning for rental housing. This has been well documented (e.g., Bonduki and Rolnik 1978; Kohara 2010; Kowarick 1979; Rolnik 2008).

Moreover, political scientists and social geographers have analyzed the mobility of financial capital and power away from the downtown areas of Sé, República to Paulista Avenue and then farther to the southwest in the late 1990s and early 2000s to Berrini and Faria Lima avenues. We underscore the relationship between capital mobility and political policies of urbanization represented in municipal Master Plans. The tension between investment capitalism and periodic campaigns of social responsibility from the state has unsurprisingly produced an uneven urbanization. Improvised housing demonstrates what architect Jeroen Stevens has called the “interstitial spaces or pivotal nodes that link formality with informality” (2017, 49). Historically, migrants have adapted to and remade these spaces into vibrant, if precarious, urban spaces. The neighborhood of Bixiga is perhaps the most obvious example of this in São Paulo.

More recently, a new wave of West Africans, Syrians, Colombians and Haitians have found their way to the center of São Paulo and confronted the realities of a major housing crisis. These diverse migrant groups add to a larger presence of itinerant or precarious dwellers, who have, once again, brought improvised housing to public awareness.

The following narrative fragment is an example of ethnographic fiction. The intention is to capture, in this case, the experience of precarity among different immigrant populations within the basic right of housing. Made manifest in many forms, precarity breeds racist stigma, exploitation and violence. Beyond an exercise in thick description of space, the story suggests that sometimes the *il/legality* of the situation amplifies race and on other occasions it seems to silence race as a determining factor of fate.

The action takes place in an “occupation,” a term used by activists and residents to point toward the fact that there are hundreds of abandoned

buildings in the downtown area of São Paulo and thousands of people who are homeless or reside in absolute precarity. These spaces have become one nodal point of convergence among immigrants from different countries and the Brazilian urban poor, working classes.

The story focuses on an encounter between Letrice, a Congolese immigrant and concerned mother of three, and Maurice Malabranche, a Haitian immigrant, who is formally educated as a healthcare provider and has recently gained employment through an initiative in the São Paulo city public sector. They met in the corridor depicted below (Figure 3.1). Their conversation and the setting of the occupation provokes certain reflections on the part of Maurice. One of the authors had extensive conversations with a young Haitian health care provider in São Paulo and visited the occupation featured in the story on two occasions in 2017 and 2018.

The sunlight is soft in São Paulo during early June (Figure 3.1). The warmth is welcome in the sub-tropical winter; it helps dry the clothes and brings a



Figure 3.1 Corridor in residential occupation. Photo by Derek Pardue, 2017.

serenity to what is often a place of stress and suspicion. Letrice tended her three small children, each of whom had carved out a small nook for drawing, doll play and cell phone entertainment. Dr. Maurice Malabranche turned his back for a moment, went out into the hall and looked at the assorted hanging clothes. His professional title had yet to be recognized officially and he felt like a wrinkled shirt hung out to dry. The slight breeze emanating from a broken window ruffled the clothes from the nearby lines. The adult wear did not budge, steadfast in its weight and obdurate in its position to outside suggestions. Dr. Malabranche contemplated his own family in all its fragmentation. "The term is diaspora," his history professor had explained in the Port-au-Prince boarding school. He was American, had come from New York City, liked to wear his *Akademik Ayisyen* ("The Haitian Academy") uniform and knew absolutely nothing about Haitian families. Dr. Malabranche strained to recall the last time he had seen his own clothes hanging next to those of sweet Michèle and sons Sylvestre and Emmanuel. São Paulo could have been the final destination.

"*Viens ici!*" Letrice commanded. Dr. Malabranche had abandoned her, lost in his own nostalgia. The light was too subtle to divert his attention, as he drifted from subject to subject. Realizing a loss of determination, he reentered the squatter apartment and sat down in a corner chair. He promised himself that he would just listen.

Letrice adeptly code-switched between French and Lingala as she balanced the formal meeting with child rearing. Her husband Paul held sporadic short-term contracts as a maintenance worker, often scheduled in excess of 60 hours a week for a month or so and then dire unemployment and indolence. Dr. Malabranche had been hired also on a temporary basis.

During a moment, albeit brief, in São Paulo's city government history, mayor Fernando Haddad raised the visibility of immigration within public policy initiatives. Of course, we should say that it was a multi-faceted, multi-interest conversation involving agents of the State, NGOs, the private sectors and other civil society groups, including immigrants themselves, who created the kinds of initiatives of inclusion leading to Dr. Malabranche's employment contract. However, internal departmental records showed that clerks had registered the building where Letrice resided on Redentoura Street as the home of Bolivians, Paraguayans, Syrians and a few veteran Portuguese families.

"I told you, Letrice, that you probably will get better service if you go with me to the clinic than me coming here." The doctor had cut Letrice short, again.

Letrice nevertheless continued.

I want you to see where I live, where a couple hundred of us Congolese live. We have been here for three months. We pay four hundred *rais* a month for rent. It's fine, it's a space but sometimes we all pass around a strange kind of cold or flu. I don't know what it is.

Letrice proceeded to escort the doctor around the building. They stopped and chatted with a few housewives along the corridor, with whom Letrice was friendly. "Who's this fine man? Hmmm, Letrice. What does Paul have to say about all of this? You coming up in the world. Hmmm." Everyone laughed at the jibe that was at once a joke about Paul's diminutive height, a somewhat puny 1.60 meters, conflated with the perception of a formality and class of the markedly taller Haitian man. The women looked the doctor up and down, assessing his peculiar spectacles, freshly ironed shirt with a left breast pocket and clean, formal shoes. His blackness was an afterthought.

The women quickly turned their backs and engaged in small talk about recipes. Supposedly, someone on the fifth floor makes a delicious *ngombe*. As they wondered about what magic ingredient or the mode of preparation involved, the doctor stopped paying attention at that point, (and they had already switched into Lingala), and noticed that few, if any, of these apartments had windows that could be opened. "Hmm, this explains why people leave their front doors open and why, on a few floors, the hallway windows were missing selected panes," the doctor thought to himself as he found himself lightly hypnotized by the rhythmic rattle of the window underpinning the melodic Lingala language.

Circulation. Lack of. Hanging clothes. Too much shared air. Stagnant space residents tried to animate. Young men sat at the end of the fourth floor hall in lawn chairs sipping tea. One fiddled with a cellphone battery. Cobalt and ion batteries, "the trauma that courses through facts, is the image of subterranean riverbeds of gold and fossil objects" (Tausig 2004, 250).

Letrice and the doctor stepped quickly but carefully up and down the winding, angular staircase. Almost pitch black even at midday. The damp conditions accumulated in these close quarters and the experiences of residents moving were captured in the smudges on the wall and streaks on the floor. Dirt, light debris and water mixed into little piles pushed to the corners of the stairwell. The building collected these residues of human movement and everyday life. With few cleaning brigades organized by the residents (or by the mysterious, most probably nefarious rent collection agencies, in this case), the concrete surfaces of the building, originally intended to be a hotel, animated to tell a different story. That which might be called "the setting," a conjuncture of hard, unforgiving surfaces, became a protagonist.

After the tour the pair returned to Letrice's apartment. The oldest daughter and her teenage friends from down the hall slipped away signaling that their babysitting duties had ended. Hernan, one of the few Bolivians in the building, had a very cool cell phone app that just had to be seen.

And, there they were. An unexpected calmness descended. The infant had dozed off and the toddler was intently focused on drawing a circle with the crayons Maurice had brought in his pressed shirt breast pocket. The apartment furniture, which had previously appeared thrashed, permanently in use by the children and deployed for multiple purposes by Letrice and Paul, seemed somehow to be at peace. A lull in the corridor chatter. All was still.

You see, Mr. Malabranche, I need a different address. I live here but I cannot say that I live here. This place does not exist for many employers and hospitals. Surely, you can understand that. Tell me, where do you live?

The doctor disregarded the question and made an exaggerated production to retrieve his notebook and hospital forms. By creating a bit of noise, he hoped to divert Letrice's attention to stuff that mattered, something he could check off and mark as accomplished. "Right, so it looks like you along with the mothers in the building need packages of diapers. The families also urgently need basic cough and flu medicine. This, we can do right away," the doctor said without looking at Letrice. He scanned his papers again and read aloud, "Madam, I am sure you know the benefits of *cesta básica*.⁷ It's a simple matter of registering your address. You and your friends here can do that, can't you?"

Letrice was silent. Blank. Unyielding like the hanging clothes.

I promise I will also ask an electrician friend of mine to come by later that week to see if it were possible to provide electricity to all floors and tidy up the webs of loose wires dangling from the ceiling in various corridors.

Maurice continued elaborating on his claims as an agent of power. He could get things done.

Letrice interrupted,

Dr. Malabranche, thank you for coming. I am not special. I simply am bolder than most of the others. I know you are an immigrant, a refugee perhaps? You are educated and have found a place here in São Paulo. I see that. Everyone here sees that. Do you see me? You don't know me but do you see me? Do you see us?

Silence returned. A breeze kicked up. There was nothing left to say. On his way out, the doctor passed by the lobby and noticed flyers advertising an upcoming religious service. Taped to the walls were pictures of a reverend, a rotund man with a broad smile that belies his stern, horn-rimmed glasses. An overweight, bawdy evangelical leader. A storyteller.

As Maurice approached the partially unhinged gate to the street, a little girl sprinted across his path. Her beautiful braids swung back and forth as a cohesive unit offering a compelling rhythm in sync with her gait. She briefly looked up at the doctor and Maurice heard the repeated sounds of "Michèle". Sustain. "My daughter's name. This girl's name. A simple coincidence," he pondered. Turning quickly, the doctor saw no one but the elderly man, who had been collecting wire and cardboard since the doctor arrived. Folding and unfolding.

Dr. Malabranche delivered his report to the public health post. The electrician never made a visit to the building and, now as I write to you, it is unclear if he ever truthfully asked him ...

Reworking stories into theory and analysis

The above elaboration from field notes attempts to perform textually the contingencies of migrancy and the dynamics of spatial production that is the city. The encounter of Dr. Malabranche and Letrice reveals partially a spatial expression of a heterogeneous Congolese presence in São Paulo, a particular rearticulation of an abandoned area. This constitutes one more example of transforming a "non-space" or a space of abjection into a meaningful, albeit marginalized, basis of residence, a home.

Through the conversations between Dr. Malabranche and Letrice one can feel certain struggles on both sides to just live and get through the day. For example, rights to basic food stuff, that is, *cesta básica*, are made more complicated by Letrice's liminal residential status. She is unsure and asks for a favor. The (il)legality of healthcare, the reason for Dr. Malabranche's visit in the first place, is featured throughout. The two protagonists are sympathetic to each other but also hold a mistrust or, at least, a skepticism of the other's intentions.

While blackness does not appear as an explicit topic of conversation or interaction, racialization acts as a background of social positioning both in terms of implicit approximation and differentiation. The doctor is afforded greater mobility in Brazilian society, albeit seemingly ephemeral due to the short-term contracts from the new, innovative city initiatives related to immigration and healthcare. It is implicit that Dr. Malabranche indeed relies on these contracts and despite his formal education is not so far removed from Letrice and her husband Paul. Racial stigma can be negotiated through class, education and other forms of social capital, but it is a continual process, one that weighs on each character in different ways. The reader has more access to Malabranche's experience through reflection, as he tends to wander off in memory triggered by occasional empirical observations of Letrice and the scenes within the residential occupation.

The case of Dr. Malabranche and Letrice, as well as thousands of other West African and Haitian migrants, constitute moments of mobility ideology in what geographer Tim Cresswell has called a "critical geosophy" (2006, 21).⁸ There is a dynamic "geography of knowledge" and each episteme defines mobility as a personality type in certain ways. Mobility marks people in terms of class and morality and we can quickly discern the potential intersectionalities.

Scholars from various disciplines have been increasingly sensitive to the spatial agency of migrants. As a theoretical counterpoint to categorization, migrant's spatial navigation of the city connects the everyday empirical evidence of labor and apprenticeship (e.g., Buhr 2017) to the politics of integration. Such analyses dialogue with a cadre of Brazilian and Brazilianist scholarship, which has discussed local mapping strategies of various social classes. From discourses of *pontos* (Hecht 1998) to *pedaços* (Magnani 1992) to *trajetórias* (Frúgoli 2006), it is clear that urban inhabitants work with and

sometimes against institutional categorization in order to capitalize on the socio-spatial resources the city has to offer. While relatively small (but meaningful) victories occurred in São Paulo, especially, during the Haddad administration, the current regime both at the municipal and federal level has become extremely antagonistic to any projects in the name of “popular housing.” Urbanist and public scholar Raquel Rolnik published on her blog and broadcasted on her radio show about the PL (“law project” or better translated as bill) that proposes absolutely no federal money for public housing in 2018.⁹ Such economic and infrastructural constraints result in greater pressure for precarious occupations to take place. Migrant agency is thus reduced to a limited number of channels of expression.

Conclusion

In simple terms, commercial interests located in the national borderlands and racism against new *africanos* shapes legality as it pertains to immigration. The maintenance of the status quo, despite the redressing of the law in humanitarian terms, is consecrated in the fact that the federal police continues to be the managing agency, a situation that represents a lack of institutional understanding that the rights and realities of migrants are outside the purview of the federal police. It is simply not within their expertise. These matters require a specialized, qualified set of agents who are in dialogue with the global dimensions of human mobility. With that said, we can begin to imagine the complexities of what constitutes “legality” as an already uneven playing field for immigrants and refugees. Access to basic rights such as healthcare and decent housing, in many instances, can only be gained through “illegality,” since what is recognized as legal excludes many migrants, often based on race. Our discussion of local NGO operations and daily experiences in squatter apartment buildings demonstrate that this lack of recognition easily becomes a daily violence and a source of desperation.

This illegality is made manifest primarily in the confusion around migratory status related to Haitians and Africans in São Paulo. In everyday life, they tend to be placed in the same box, as it were, a situation of social exclusion, despite the relative advance in public policies. Ethnography demonstrates that the real progress has occurred with “white refugees” (e.g., Syrians). The experience of racialization among black foreigners is spatialized in the city, whether one considers squatter occupations and the accompanying precarious conditions in the city center or life in the extreme periphery neighborhoods where police violence is common and access to basic, public services continues to be a challenge. While such difficulties are certainly present for native Brazilians, they have the advantage of kinship and friendship networks, which for the most part is out of reach for immigrants thereby making the situation even more hostile and ultimately, in many cases, creating a force of expulsion. It is thus not surprising that in recent months, many Haitians have left Brazil in search of better conditions in countries such as Chile and the United

States, and many African refugees have turned their attention to Europe as a potential haven.

Notes

- 1 Igor Machado has been conducting individual research on Brazilian immigration law since 2005, and also coordinates a project on refuge in São Paulo with funding from FAPESP (São Paulo Research Support Foundation), of which Almeida and Branco's researches cited here are part. Derek Pardue has conducted several different research projects in the city of São Paulo since 1995. Beginning in 2016, he used a research sabbatical from Aarhus University (Denmark) and funding from FAPESP and Eurias (European Institute for Advanced Studies) to turn his focus to issues of visibility and presence among recent African and Haitian migrants in the city.
- 2 See, for example, Erika Yamada's “Veto na Lei de Imigração aumenta a criminalização de indígenas,” published online: www.unicamp.br/unicamp/ju/noticias/2017/10/03/vetos-podem-desfigurar-lei-de-migracao-alertam-especialistas (accessed October 5, 2017). As explained by Yamada, one of the provision of the original law was to allow “free circulation” of indigenous groups, many of whom live and manage lands (estimated at 180 different plots) on the border with other South American countries. See the comments by Jobana Moya, member of the Warmis Collective and Deisy Ventura, professor of International Law at the University of São Paulo (USP) in Soares 2017 related to undocumented residents and health care, respectively.
- 3 On July 26, 2019, the Minister of Justice, Sérgio Moro, published a legal order, an addendum (*Portaria 666/2019*) to the current 2017 Migration Law, which states that immigrants considered “dangerous” can be summarily deported. Several legal experts (www.bbc.com/portuguese/brasil-49134995?ocid=socialflow_facebook&fbclid=IwAR12SUGU15vs8JmQ8RQUTi4HLjxz9a0KPMgXjdUXKY3AMyM_M_Xrz5fdU), the Committee on Migration and Displacement within the Brazilian Association of Anthropology (www.portal.abant.org.br/2019/07/27/nota-do-comite-de-migracoes-e-deslocamentos-da-associacao-brasileira-de-antropologia-sobre-a-portaria-no-666-2019-do-ministro-de-estado-da-justica-e-seguranca-publica-sergio-moro/) and many others have issued statements condemning this act precisely because it contradicts fundamentally the current law in that it presumes a possible illegality or suspicion from immigrants. This is, in effect, a return to the Cold War tone of Brazil's military dictatorship. As Marina Faraco, professor of Constitutional Law at the Pontifical Catholic University in São Paulo (PUC-SP), explains such addenda (*portarias*) “cannot create new hypotheses for punishment.” Moreover, many activists and NGO leaders warn that upon consideration that the new proposed time for defense is 48 hours rather than 60 days, any sort of infraction could effectively lead to deportation.
- 4 For a discussion of migration policies for Haitians in Brazil, see Fernandes and Faria (2017) and Trabalon (2018).
- 5 For a discussion of Brazilian racial systems, see, among others Hasenbalg (1996), Sansone (1996), Nogueira (2007) and Guimarães (1999).
- 6 On Syrian-Lebanese immigration in Brazil, see Truzzi (1997).
- 7 A standardized supply of foodstuffs for low-income families provided by the State.

It is this status of a necessary social production, I argue, that makes knowledge surrounding mobility (like that surrounding other fundamental geographical concepts such as space and place) so important and so deeply implicated in the politics of the modern world. Stasis and mobility, fixity and flow, are the subjects of deep knowledges that inform any number of ways of seeing the world. For this reason, an understanding of the ways in which ideas about fixity and flow provide a profound undercurrent to thinking (which is closer to the surface of cultural life – law, medicine, activism, film, photography, planning, architecture, philosophy, and even geography itself) enacts a critical geosophy.

(Cresswell 2006, 22)

- 9 <https://raquelrolnik.wordpress.com/2017/09/18/governo-propoe-zero-reais-para-moradia-popular-em-2018>. Accessed on February 6, 2018.

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